



## Declaration on the compliance with Regulation (EC) No. 1907/2006 (REACH) and Regulation (EU) 2019/1021 (POP)

13.04.2023

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Dear valued Customer,

We, **NBS Display Solutions Corp.** hereby declare under our sole responsibility of full compliance with the Regulation (EC) No. 1907/2006 (REACH) and Regulation (EU) 2019/1021 (POP), as amended from time to time (**the candidate list been extended by adding 9 additional entries on 17th of January 2023**), for all products, packaging materials that are articles according to Art. 3(3) REACH and Art. 2(2) POP (hereinafter together referred to as 'Articles'; including all other items, also of 3rd parties,

delivered together with the products and packaging materials) that we have sold / shipped to **CAMPANY NAME** contain no substances on the candidate list.

For interpretation and application of the term 'article', the Judgment of the European Court of Justice, 10th September 2015 (Case C-106/14) and current ECHA Guidance for Articles are taken into consideration. In case that any products we have sold / shipped and will sell / ship to **CAMPANY NAME**

contain any presence of SVHC in certain articles on

the current Candidate List under REACH with concentrations above the threshold of 0.1% w/w on 'complex' or 'component' Article level respectively, we shall inform **CAMPANY NAME**

in due course by return, which of the Articles ('complex' and 'component') are affected (by part number) and will provide sufficient information to allow the safe use of the Articles, as a minimum the name of the SVHC (incl. its EC or CAS numbers), its percentage in % (w/w), as well as the SVHC's absolute weight in gram (relevant for notification article 7 (2), where applicable)

Thank you for your acknowledgement,

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NBS Display Solutions Corporation  
Yang Ming  
Quality Assurance Manager





### Background information & helpful links

- Definition of the term 'article' (Art. 3(3), REACH Regulation No 1907/2006/EC and Art. 2(2), POP Regulation (EU) 2019/1021):  
"Article: means an object which during production is given a special shape, surface or design which determines its function to a greater degree than does its chemical composition."
- Previous interpretation by the European Commission (ECHA guidelines) and majority of EU member states: Reference for the application of the 0.1 % threshold was the weight of the entire 'article' as produced, imported or provided to the recipient of this 'article'.
- Court judgement & view of 7 dissenting countries (e.g. France, Germany etc.): 'Article' never ceases to be an 'article' as long as it does not become waste: "Once an article - always an article". That means that the 0.1 % threshold for a 'complex article' composed of several 'component articles' has not only to be applied to the entire 'complex article', but also to the weight of each of the 'component articles' the 'complex article' is composed of.
- Consequences:  
Notification obligations (Art. 7 (2)): According to the new ruling it is for the producer of an 'article' to determine if SVHCs are present above the threshold of 0.1 % (w/w) in any 'article' it produces and for the importer of a 'complex article' to determine for each 'component article' it consists of, whether one or more SVHCs are present above the threshold of 0.1 % (w/w).
- Communication obligations (Art. 33): The new interpretation says that a supplier of a 'complex article' has to inform the recipient (and on request a consumer) of such an 'article' of the presence of one or more SVHCs in a concentration above 0.1 % weight by weight of the entire 'complex article', as well as of the 'component articles' it consists of and to provide it with sufficient information, available to the supplier, to allow safe use of the article including, as a minimum, the name of the respective SVHCs.

#### **European Chemicals Agency (ECHA):**

- I. Main European Chemicals Agency (ECHA) webpage addressing chemicals: <https://echa.europa.eu/information-on-chemicals>
- II. Webpage showing current public consultations, which are being published about 3-4 months in advance to publication of the updated Candidate List: <https://echa.europa.eu/public-consultations>
  - i. Proposals to identify Substances of very high concern previous consultations: <https://echa.europa.eu/proposals-to-identify-substances-of-very-high-concern-previous-consultations>
- III. Registry of SVHC intentions, where the upcoming and submitted / withdrawn proposals can be tracked quite well in advance: <https://echa.europa.eu/registry-of-svhc-intentions>
- IV. PACT – RMOA and hazard assessment activities – early discussions on substances, which might require further regulatory action: <https://echa.europa.eu/pact>
- V. SVHC Roadmap: <https://echa.europa.eu/svhc-roadmap-to-2020-implementation>
- VI. SCIP Database: <https://echa.europa.eu/scip>
- VII. POP Regulation: <https://echa.europa.eu/understanding-pops>
- VIII. ECHA Guidance documents: <https://echa.europa.eu/guidance-documents/guidance-on-reach>
  - i. "Guidance on requirements for substances in articles" (Version 4.0) being probably the most relevant one: [https://echa.europa.eu/documents/10162/23036412/articles\\_en.pdf/cc2e3f93-8391-4944-88e4-efed5fb5112c](https://echa.europa.eu/documents/10162/23036412/articles_en.pdf/cc2e3f93-8391-4944-88e4-efed5fb5112c)

#### **SIN (Substitute It Now) LIST:**

List of chemicals likely to be banned or restricted in a near future: <https://chemsec.org/business-tool/sin-list/>